

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
HOUSTON DIVISION

KARLA LIST

*Plaintiff,*

v.

PLAZAMERICAS MALL TEXAS, LLC

*Defendant.*

§  
§  
§  
§  
§  
§  
§  
§  
§  
§

C.A. No. \_\_\_\_\_



**INDEX OF MATTERS FILED**

Pursuant to Local Rule 81, Defendant PlazAmericas Mall Texas, LLC, submits the following documents in support of its Notice of Removal, from the State Court Action:

- A-1. Citation;
- A-2. Civil Process Pick-Up Form;
- A-3. Plaintiff's Original Petition and First Set of Discovery;
- A-4. Civil Case Information Sheet;
- A-5. Civil Process Request;
- A-6. First Set of Interrogatories, Requests for Production, Requests for Admission, and Requests for Disclosure to Plazamericas Mall Texas, LLC;
- A-7. State Court Action Docket Summary as of December 21, 2018;
- A-8. State Court Action Docket Sheet as of December 21, 2018;
- A-9. List of All Counsel of Record.

EXHIBIT

A-1

CAUSE NO. 201883448

RECEIPT NO.

0.00

CIV

\*\*\*\*\*

TR # 73565903

PLAINTIFF: LIST, KARLA

vs.

DEFENDANT: PLAZAMERICAS MALL TEXAS LLC

In The 125th  
Judicial District Court  
of Harris County, Texas  
125TH DISTRICT COURT  
Houston, TX

CITATION

51878-1

THE STATE OF TEXAS  
County of HarrisTO: PLAZAMERICAS MALL TEXAS LLC (DELAWARE ENTITY)  
MAY BE SERVED THROUGH ITS REGISTERED AGENT  
CORPORATION SERVICE COMPANY (DBA CSC-LAWYERS INCORP)  
211 ETH 7TH STREET SUITE 620 AUSTIN TX 78701Attached is a copy of PLAINTIFFS ORIGINAL PETITION AND FIRST SET OF DISCOVERYThis instrument was filed on the 20th day of November, 2018, in the above cited cause number and court. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED, You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of 20 days after you were served this citation and petition, a default judgment may be taken against you.

TO OFFICER SERVING:

This citation was issued on 21st day of November, 2018, under my hand and seal of said Court.

Issued at request of:

DASPIE, JOHN A  
440 LOUISIANA, SUITE 1400  
HOUSTON, TX 77002  
Tel: (713) 588-0383  
Bar No.: 24048906

Chris Daniel

CHRIS DANIEL, District Clerk  
Harris County, Texas  
201 Caroline, Houston, Texas 77002  
(P.O. Box 4651, Houston, Texas 77210)

Generated By: SALGADO, CAROLINA G17//11103165

## OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 8:00 o'clock A.M., on the 29th day of NOV 2018.

Executed at (address) \_\_\_\_\_ in \_\_\_\_\_

County at \_\_\_\_\_ o'clock \_\_\_\_\_ .M., on the \_\_\_\_\_ day of \_\_\_\_\_,

by delivering to \_\_\_\_\_ defendant, in person, a

true copy of this Citation together with the accompanying \_\_\_\_\_ copy(ies) of the Petition

attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this \_\_\_\_\_ day of \_\_\_\_\_,

OFF: S \_\_\_\_\_

\_\_\_\_\_ of \_\_\_\_\_ County, Texas

Affiant \_\_\_\_\_

By \_\_\_\_\_ Deputy

On this day, \_\_\_\_\_, known to me to be the person whose signature appears on the foregoing return, personally appeared. After being by me duly sworn, he/she stated that this citation was executed by him/her in the exact manner recited on the return.

SWORN TO AND SUBSCRIBED BEFORE ME, on this \_\_\_\_\_ day of \_\_\_\_\_,

Notary Public \_\_\_\_\_

IN THE 125TH JUDICIAL DISTRICT  
HARRIS COUNTY, TEXAS

CAUSE NO: 201883448

KARLA LIST  
VS  
PLAZAMERICAS MALL TEXAS, LLC

**RETURN**

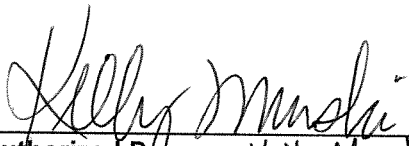
Came to my hand: 11/29/2018 , at 088:00 o'clock A.M. , the following specified documents:

- Citation
- Plaintiff's Original Petition and First Set of Discovery
- Request for Disclosure to Defendants
- First Set of Interrogatories, Requests for Production, Requests for Admission and Requests for Disclosure to Plazamericas Mall Texas LLC

and executed by me on: 11/29/2018 , at 1:52 o'clock P.M. , at

211 E. 7<sup>TH</sup> STREET, SUITE 620, AUSTIN, TX 78701, within the county of TRAVIS, by delivering to PLAZAMERICAS MALL TEXAS, LLC, by delivering to its registered agent, CORPORATION SERVICE COMPANY dba CSC-LAWYERS INCORPORATING SERVICE COMPANY, by delivering to ADAM WAYS, employee/managing agent, in person, a true copy of the above specified documents having first endorsed on such copy the date of delivery.

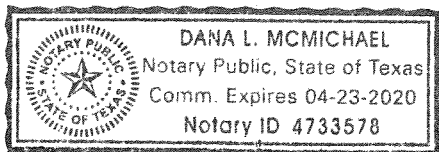
I am over the age of 18, not a party to nor interested in the outcome of the above numbered suit, and I declare under penalty of perjury that the foregoing is true and correct.

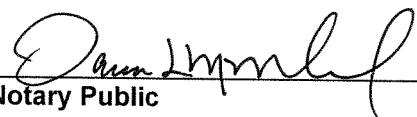
  
Authorized Person: Kelly Murski, PLAZA  
Expiration Date: 10/31/2020

STATE OF TEXAS }

**VERIFICATION**

Before me, a notary public, on this day personally appeared the above named Authorized person, known to me to be the person whose name is subscribed to the foregoing document and, being by me first duly sworn, declared that the statements and facts therein contained are within his/her personal knowledge and experience to be true and correct. Given under my hand and seal of office on this the 29<sup>th</sup> day of November, 2018



  
Notary Public



**CHRIS DANIEL**  
HARRIS COUNTY DISTRICT CLERK

ENTERED \_\_\_\_\_  
VERIFIED JP

**Civil Process Pick-Up Form**

CAUSE NUMBER: 2018-83448

ATY \_\_\_\_\_ CIV X COURT 125

**REQUESTING ATTORNEY/FIRM NOTIFICATION**

ATTORNEY: Daspit, John PH: (713) 588-0383

CIVIL PROCESS SERVER: PLS box 30

PH: 832-209-7760

PERSON NOTIFIED SVC READY: VM @ 5:15 by Carolina  
DATE: 11/21/18

Type of Service Document: _____	Tracking Number <u>73565903</u>
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____
Type of Service Document: _____	Tracking Number _____

Process papers prepared by: Carolina Salgado

Date: 11-21-2018

30 days waiting 12-21-2018

Process papers released to: \_\_\_\_\_

(PRINT NAME)

281 927 028  
(CONTACT NUMBER)

(SIGNATURE)

Process papers released by: \_\_\_\_\_

(PRINT NAME)

(SIGNATURE)

Date: 11-27-18, 2018 Time: 1:10 AM / PM

CAUSE NO. \_\_\_\_\_



KARLA LIST

*Plaintiff,*

v.

PLAZAMERICAS MALL TEXAS LLC,

*Defendant.*§  
§  
§  
§  
§  
§  
§  
§  
§  
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

\_\_\_\_\_ JUDICIAL DISTRICT

**PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY**

Plaintiff, Karla List, complains of Defendant, Plazamericas Mall Texas, LLC, (hereinafter "Defendant"), and would respectfully show the Court the following:

**Discovery Control Plan**

1. Plaintiff intends to conduct discovery in this matter under Level 3 of Rule 190.

**Jurisdiction and Venue**

2. The claims asserted arise under the common law of Texas. This Court has jurisdiction and venue is proper because all or a substantial part of the events or omissions giving rise to the claim occurred in Harris County.

**Statement Regarding Monetary Relief Sought**

3. Pursuant to Texas Rule of Civil Procedure 47(c), Plaintiff seeks monetary relief no more than \$100,000.00, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney's fees and judgment for all other relief to which Plaintiffs are justly entitled. Plaintiff further pleads that the amount in controversy in this matter does not exceed \$75,000.00.

**Parties**

4. Plaintiff Karla List is a resident of Texas.

5. Defendant, Plazamericas Mall Texas, LLC, is a Delaware entity, whose mailing address is 2 Logan SQ FL 100N 1823 Philadelphia, PA 19103, may be served with process by serving its registered agent, Corporation Service Company DBA CSC-Lawyers Incorp., at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.

### **Facts**

This lawsuit is necessary as a result of personal injuries that Plaintiff, Karla List, received on or about September 30, 2018. At that time, Ms. List was an invitee and resident at Defendant's 7500 Bellaire Blvd, Houston, Texas 77036 location. Plaintiff was walking to the exit when she slipped and fell to the ground. Consequently, Plaintiff suffered severe injuries. Defendant did not have effective caution signs nor provide any other notice to warn Plaintiff within its premises. Defendant knew or should have known of the unreasonably dangerous condition and neither corrected nor warned Plaintiff of it. Plaintiff did not have any knowledge of the dangerous condition and could not have reasonably been expected to discover it. Defendant either created the condition and/or failed to correct the condition or to warn Plaintiff about the dangerous condition, which constituted negligence, and such negligence was a proximate cause of the occurrence in question and Plaintiff's resulting injuries.

Plaintiff would show that, based on the above-described facts, Defendant was negligent. Defendant, as occupier and owner of the premises, with control over the premises, had a duty to inform Plaintiff of the dangerous condition and make safe the defective condition existing on Defendant's premises.

Defendant is liable to Plaintiff, Karla List, under the theory of premises liability and negligence based on the following negligent conduct:

- (a). Failure to maintain the premises in a reasonably safe condition;

- (b). Failure to inspect the premises where the dangerous condition existed;
- (c). Failure to correct the condition by taking reasonable measure to safeguard persons who entered the premises;
- (d). Failure to inform Plaintiff of the dangerous condition existing on the premises; and
- (e). Other acts deemed negligent.

Each of the foregoing negligent acts and/or omissions, whether taken singularly or in any combination, was a proximate cause of Plaintiff's injuries and damages that are described below.

Defendant was also negligent in that it failed to act as a reasonably prudent premise owner would act in the same or similar situations.

#### **Request for Disclosure to Defendants**

6. Pursuant to Texas Rules of Civil Procedure 194, Plaintiff requests that each Defendant separately disclose, within 50 days of service of this request, the information or materials described in Texas Rule of Civil Procedure 194.2(a)-(l).

#### **Other Discovery**

7. Plaintiff refers you to the attached Request for Admissions, Interrogatories and Request for Production and notifies you that a response is required from each Defendant separately within 50 days of service of these requests.

#### **Rule 193.7 Notice**

8. Plaintiff hereby gives actual notice to Defendant that any and all documents produced may be used against Defendant at any pre-trial proceeding and/or at trial of this matter without the necessity of authenticating the documents.

#### **Prayer**

Plaintiff prays that these citations issue and be served upon Defendants in a form and manner prescribed by law, requiring that Defendants appear and answer, and that upon final

hearing, Plaintiff have judgment against Defendants, in a total sum in excess of the minimum jurisdictional limits of this Court, plus pre-judgment and post judgment interests, all costs of Court, exemplary damages, and all such other and future relief, to which they be justly entitled.

Respectfully submitted,

DASPIT LAW FIRM

/s/ Cesar E. Amador

Cesar E. Amador

Texas State Bar No. 24105367

John A. Daspit

Texas State Bar No. 24048906

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: e-service@daspitlaw.com

**ATTORNEYS FOR PLAINTIFF**



CAUSE NUMBER (FOR CLERK USE ONLY):

COURT (FOR CLERK USE ONLY):

STYLED **KARLA LIST v. PLAZAMERICAS MALL TEXAS LLC**

(e.g., John Smith v. All American Insurance Co.; In re Mary Ann Jones; In the Matter of the Estate of George Jackson)

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing.

<b>1. Contact information for person completing case information sheet:</b> Name: <b>John Daspit</b> Address: <b>440 Louisiana Street, Suite 200</b> City/State/Zip: <b>Houston, Texas 77002</b> Signature: <b>/s/ John Daspit</b> Email: <b>e-service@daspitlaw.com</b> Telephone: <b>713-322-4878</b> Fax: <b>713-587-9086</b> State Bar No: <b>24048906</b>		<b>Names of parties in case:</b> Plaintiff(s)/Petitioner(s): <b>KARLA LIST</b> Defendant(s)/Respondent(s): <b>PLAZAMERICAS MALL TEXAS LLC</b> (Attach additional page as necessary to list all parties)		<b>Person or entity completing sheet is:</b> <input checked="" type="checkbox"/> Attorney for Plaintiff/Petitioner <input type="checkbox"/> Pro Se Plaintiff/Petitioner <input type="checkbox"/> Title IV-D Agency <input type="checkbox"/> Other: _____ Additional Parties in Child Support Case: Custodial Parent: _____ Non-Custodial Parent: _____ Presumed Father: _____	
<b>2. Indicate case type, or identify the most important issue in the case (select only 1):</b>					
<b>Civil</b>			<b>Family Law</b>		
<b>Contract</b> <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Consumer/DTPA <input type="checkbox"/> Debt/Contract <input type="checkbox"/> Fraud/Misrepresentation <input type="checkbox"/> Other Debt/Contract: _____ <b>Foreclosure</b> <input type="checkbox"/> Home Equity—Expedited <input type="checkbox"/> Other Foreclosure <input type="checkbox"/> Franchise <input type="checkbox"/> Insurance <input type="checkbox"/> Landlord/Tenant <input type="checkbox"/> Non-Competition <input type="checkbox"/> Partnership <input type="checkbox"/> Other Contract: _____	<b>Injury or Damage</b> <input type="checkbox"/> Assault/Battery <input type="checkbox"/> Construction <input type="checkbox"/> Defamation <b>Malpractice</b> <input type="checkbox"/> Accounting <input type="checkbox"/> Legal <input type="checkbox"/> Medical <input type="checkbox"/> Other Professional Liability: <input type="checkbox"/> Motor Vehicle Accident <input type="checkbox"/> Premises <b>Product Liability</b> <input type="checkbox"/> Asbestos/Silica <input type="checkbox"/> Other Product Liability List Product: _____ <input checked="" type="checkbox"/> Other Injury or Damage: Slip & Fall	<b>Real Property</b> <input type="checkbox"/> Eminent Domain/Condemnation <input type="checkbox"/> Partition <input type="checkbox"/> Quiet Title <input type="checkbox"/> Trespass to Try Title <input type="checkbox"/> Other Property: _____ <b>Related to Criminal Matters</b> <input type="checkbox"/> Expunction <input type="checkbox"/> Judgment Nisi <input type="checkbox"/> Non-Disclosure <input type="checkbox"/> Seizure/Forfeiture <input type="checkbox"/> Writ of Habeas Corpus—Pre-indictment <input type="checkbox"/> Other: _____	<b>Marriage Relationship</b> <input type="checkbox"/> Annulment <input type="checkbox"/> Declare Marriage Void <b>Divorce</b> <input type="checkbox"/> With Children <input type="checkbox"/> No Children <b>Other Family Law</b> <input type="checkbox"/> Enforce Foreign Judgment <input type="checkbox"/> Habeas Corpus <input type="checkbox"/> Name Change <input type="checkbox"/> Protective Order <input type="checkbox"/> Removal of Disabilities of Minority <input type="checkbox"/> Other: _____	<b>Post-judgment Actions (non-Title IV-D)</b> <input type="checkbox"/> Enforcement <input type="checkbox"/> Modification—Custody <input type="checkbox"/> Modification—Other <b>Title IV-D</b> <input type="checkbox"/> Enforcement/Modification <input type="checkbox"/> Paternity <input type="checkbox"/> Reciprocals (UIFSA) <input type="checkbox"/> Support Order <b>Parent-Child Relationship</b> <input type="checkbox"/> Adoption/Adoption with Termination <input type="checkbox"/> Child Protection <input type="checkbox"/> Child Support <input type="checkbox"/> Custody or Visitation <input type="checkbox"/> Gestational Parenting <input type="checkbox"/> Grandparent Access <input type="checkbox"/> Parentage/Paternity <input type="checkbox"/> Termination of Parental Rights <input type="checkbox"/> Other Parent-Child: _____	
<b>Employment</b> <input type="checkbox"/> Discrimination <input type="checkbox"/> Retaliation <input type="checkbox"/> Termination <input type="checkbox"/> Workers' Compensation <input type="checkbox"/> Other Employment: _____		<b>Other Civil</b> <input type="checkbox"/> Administrative Appeal <input type="checkbox"/> Antitrust/Unfair Competition <input type="checkbox"/> Code Violations <input type="checkbox"/> Foreign Judgment <input type="checkbox"/> Intellectual Property <input type="checkbox"/> Lawyer Discipline <input type="checkbox"/> Perpetuate Testimony <input type="checkbox"/> Securities/Stock <input type="checkbox"/> Tortious Interference <input type="checkbox"/> Other: _____			
<b>Tax</b> <input type="checkbox"/> Tax Appraisal <input type="checkbox"/> Tax Delinquency <input type="checkbox"/> Other Tax		<b>Probate &amp; Mental Health</b> <b>Probate/Wills/Intestate Administration</b> <input type="checkbox"/> Dependent Administration <input type="checkbox"/> Independent Administration <input type="checkbox"/> Other Estate Proceedings <input type="checkbox"/> Guardianship—Adult <input type="checkbox"/> Guardianship—Minor <input type="checkbox"/> Mental Health <input type="checkbox"/> Other: _____			
<b>3. Indicate procedure or remedy, if applicable (may select more than 1):</b>					
<input type="checkbox"/> Appeal from Municipal or Justice Court <input type="checkbox"/> Arbitration-related <input type="checkbox"/> Attachment <input type="checkbox"/> Bill of Review <input type="checkbox"/> Certiorari <input type="checkbox"/> Class Action		<input type="checkbox"/> Declaratory Judgment <input type="checkbox"/> Garnishment <input type="checkbox"/> Interpleader <input type="checkbox"/> License <input type="checkbox"/> Mandamus <input type="checkbox"/> Post-judgment		<input type="checkbox"/> Prejudgment Remedy <input type="checkbox"/> Protective Order <input type="checkbox"/> Receiver <input type="checkbox"/> Sequestration <input type="checkbox"/> Temporary Restraining Order/Injunction <input type="checkbox"/> Turnover	
<b>4. Indicate damages sought (do not select if it is a family law case):</b>					
<input checked="" type="checkbox"/> Less than \$100,000, including damages of any kind, penalties, costs, expenses, pre-judgment interest, and attorney fees <input type="checkbox"/> Less than \$100,000 and non-monetary relief <input type="checkbox"/> Over \$100,000 but not more than \$200,000 <input type="checkbox"/> Over \$200,000 but not more than \$1,000,000 <input type="checkbox"/> Over \$1,000,000					

EXHIBIT

A-4

## Instructions for Completing the Texas Civil Case Information Sheet

A civil case information sheet must be completed and submitted when an original petition or application is filed to initiate a new civil, family law, probate, or mental health case or when a post-judgment petition for modification or motion for enforcement is filed in a family law case. The information should be the best available at the time of filing. If the original petition, application or post-judgment petition or motion is e-filed, the case information sheet must not be the lead document.

This sheet, required by Rule 78a of the Texas Rules of Civil Procedure, is intended to collect information that will be used for statistical and administrative purposes only. It neither replaces nor supplements the filings or service of pleading or other documents as required by law or rule. The sheet does not constitute a discovery request, response, or supplementation, and it is not admissible at trial.

The attorney or self-represented (*pro se*) plaintiff/petitioner filing the case or post-judgment petition or motion should complete the sheet as follows:

### 1. Contact information

**a) Contact information for person completing case information sheet.** Enter the following information:

- name;
- address;
- city, state, and zip code;
- email address;
- telephone number;
- fax number, if available;
- State Bar number, if the person is an attorney; and
- signature. (*NOTE: When a case information sheet is submitted electronically, the signature may be a scanned image or "/s/" and the name of the person completing the case information sheet typed in the space where the signature would otherwise appear.*)

**b) Names of parties in the case.** Enter the name(s) of the:

(*NOTE: If the name of a party to a case is confidential, enter the party's initials rather than the party's name.*)

- plaintiff(s) or petitioner(s);
- defendant(s) or respondent(s); and
- in child support cases, additional parties in the case, including the:
  - custodial parent;
  - non-custodial parent; and
  - presumed father.

Attach an additional page as necessary to list all parties.

**c) Person or entity completing sheet is.** Indicate whether the person completing the sheet, or the entity for which the sheet is being completed, is:

- an attorney for the plaintiff or petitioner;
- a *pro se* (self-represented) plaintiff or petitioner;
- the Title IV-D agency; or
- other (provide name of person or entity).

### 2. Case type.

Select the case category that best reflects the most important issue in the case. *You must select only one.*

### 3. Procedure or remedy.

If applicable, select any of the available procedures or remedies being sought in the case. You may select more than one.

### 4. Damages sought.

Select the damages being sought in the case:

(*NOTE: If the claim is governed by the Family Code, do **not** indicate the damages sought.*)

- only monetary relief of \$100,000 or less, including damages of any kind, penalties, costs, expenses, pre-judgment interest and attorney fees;
- monetary relief over \$100,000 or less and non-monetary relief;
- monetary relief over \$100,000 but not more than \$200,000;
- monetary relief over \$200,000 but less than \$1,000,000; or
- monetary relief over \$1,000,000.

CIVIL PROCESS REQUEST

Harris County  
Envelope No: 29158058  
By: SALGADO, CAROLINA  
Filed: 11/20/2018 9:51:22 AM

FOR EACH PARTY SERVED YOU MUST FURNISH ONE (1) COPY OF THE PLEADING  
FOR WRITS FURNISH TWO (2) COPIES OF THE PLEADING PER PARTY TO BE SERVED

CASE NUMBER: \_\_\_\_\_ CURRENT COURT: Harris County Judicial District Court

TYPE OF INSTRUMENT TO BE SERVED (See Reverse For Types): PLAINTIFF'S ORIGINAL PETITION AND FIRST SET OF DISCOVERY

FILE DATE OF MOTION: November 20, 2018  
Month/ Day/ Year

EXHIBIT  
A-5

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

1. NAME: PLAZAMERICAS MALL TEXAS LLC  
ADDRESS: 211 E. 7th Street, Suite 620, Austin, Texas 78701  
AGENT, (if applicable): Corporation Service Company DBA CSC-Lawyers Incorp.

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Proactive Legal Solutions, box 30 Phone: 832-209-7760  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain daspit@proactivelegal.com; e-service@daspitlaw.com

\*\*\*\*\*

\*\*\*\*

2. NAME: \_\_\_\_\_  
ADDRESS: \_\_\_\_\_  
AGENT, (if applicable): \_\_\_\_\_

TYPE OF SERVICE/PROCESS TO BE ISSUED (see reverse for specific type): \_\_\_\_\_

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP ☐ CONSTABLE  
☒ CIVIL PROCESS SERVER - Authorized Person to Pick-up: Proactive Legal Solutions, box 30 Phone: 832-209-7760  
☐ MAIL ☐ CERTIFIED MAIL  
☐ PUBLICATION:  
Type of Publication: ☐ COURTHOUSE DOOR, or  
☐ NEWSPAPER OF YOUR CHOICE: \_\_\_\_\_  
☐ OTHER, explain daspit@proactivelegal.com; e-service@daspitlaw.com

ATTORNEY (OR ATTORNEY'S AGENT) REQUESTING SERVICE:

NAME: John Daspit TEXAS BAR NO./ID NO. 24048906  
MAILING ADDRESS: 440 Louisiana Street, Suite 1400, Houston, Texas 77002  
PHONE NUMBER: 713 588-0383 FAX NUMBER: 713 587-9086  
area code phone number area code fax number  
EMAIL ADDRESS: e-service@daspitlaw.com

SERVICE REQUESTS WHICH CANNOT BE PROCESSED BY THIS OFFICE WILL BE HELD FOR 30 DAYS PRIOR TO CANCELLATION. FEES WILL BE REFUNDED ONLY UPON REQUEST, OR AT THE DISPOSITION OF THE CASE. SERVICE REQUESTS MAY BE REINSTATED UPON APPROPRIATE ACTION BY THE PARTIES.

INSTRUMENTS TO BE SERVED:

(Fill In Instrument Sequence Number, i.e. 1st, 2nd, etc.)

ORIGINAL PETITION

\_\_\_\_\_ AMENDED PETITION  
\_\_\_\_\_ SUPPLEMENTAL PETITION

COUNTERCLAIM

\_\_\_\_\_ AMENDED COUNTERCLAIM  
\_\_\_\_\_ SUPPLEMENTAL COUNTERCLAIM

CROSS-ACTION:

\_\_\_\_\_ AMENDED CROSS-ACTION  
\_\_\_\_\_ SUPPLEMENTAL CROSS-ACTION

THIRD-PARTY PETITION:

\_\_\_\_\_ AMENDED THIRD-PARTY PETITION  
\_\_\_\_\_ SUPPLEMENTAL THIRD-PARTY PETITION

INTERVENTION:

\_\_\_\_\_ AMENDED INTERVENTION  
\_\_\_\_\_ SUPPLEMENTAL INTERVENTION

INTERPLEADER

\_\_\_\_\_ AMENDED INTERPLEADER  
\_\_\_\_\_ SUPPLEMENTAL INTERPLEADER

INJUNCTION

MOTION TO MODIFY

SHOW CAUSE ORDER

TEMPORARY RESTRAINING ORDER

BILL OF DISCOVERY:

ORDER TO: \_\_\_\_\_  
(specify)

MOTION TO: \_\_\_\_\_  
(specify)

PROCESS TYPES:

NON WRIT:

CITATION  
ALIAS CITATION  
PLURIES CITATION  
SECRETARY OF STATE CITATION  
COMMISSIONER OF INSURANCE  
HIGHWAY COMMISSIONER  
CITATION BY PUBLICATION  
NOTICE  
SHORT FORM NOTICE

PRECEPT (SHOW CAUSE)  
RULE 106 SERVICE

SUBPOENA

WRITS:

ATTACHMENT (PROPERTY)  
ATTACHMENT (WITNESS)  
ATTACHMENT (PERSON)

CERTIORARI

EXECUTION  
EXECUTION AND ORDER OF SALE

GARNISHMENT BEFORE JUDGMENT  
GARNISHMENT AFTER JUDGMENT

HABEAS CORPUS  
INJUNCTION  
TEMPORARY RESTRAINING ORDER

PROTECTIVE ORDER (FAMILY CODE)  
PROTECTIVE ORDER (CIVIL CODE)

POSSESSION (PERSON)  
POSSESSION (PROPERTY)

SCIRE FACIAS  
SEQUESTRATION  
SUPERSEDEAS

CAUSE NO. \_\_\_\_\_

KARLA LIST § IN THE DISTRICT COURT  
 §  
 Plaintiff, §  
 §  
 v. § HARRIS COUNTY, TEXAS  
 §  
 PLAZAMERICAS MALL TEXAS LLC, §  
 §  
 Defendant. § \_\_\_\_\_ JUDICIAL DISTRICT



**First Set of Interrogatories, Requests for Production, Requests for Admission, and Requests for Disclosure to Plazamericas Mall Texas, LLC.**

***TO: Plazamericas Mall Texas, LLC., by and through its registered agent, Corporation Service Company DBA CSC-Lawyers Incorp., at 211 E. 7<sup>th</sup> Street, Suite 620, Austin, Texas 78701.***

Pursuant to the Texas Rules of Civil Procedure, Plaintiff requests that Defendant, Plazamericas Mall Texas, LLC. (“Plazamericas”) respond to Plaintiff’s interrogatories, disclosures, admissions and produce for inspection and copying the documents and tangible things requested. Defendant shall file written responses to this request within fifty (50) days after the date of service. Defendant shall provide the requested documents for inspection and copying at the law offices of Daspit Law Firm, 440 Louisiana St. Ste. 1400, Houston, Texas 77002.

**Definitions and Instructions**

1. Under the Texas Rules of Civil Procedure, Defendant must amend a prior answer to an interrogatory if it obtains information upon the basis of which:

- (a) It knows that the answer was incorrect when made; or
- (b) It knows that the answer, though correct when made, is no longer true and the circumstances are such that a failure to amend the answer is in substance a knowing concealment.

2. The terms “document” and “documents” mean all documents and tangible things, in the broadest sense allowed under the Texas Rules of Civil Procedure, and include, but are not limited to, information contained in computer storage and other electronic information retrieval systems, drafts, originals and nonconforming copies which contain deletions, insertions,

handwritten notes or comments, however produced or reproduced, or to any other tangible permanent record, and without limitation, shall include, among other things, accident reports, medical reports, work safety logs, employment records, all marketing material, bids, letters, correspondence, records of discussions, conferences, memoranda, notes, telegrams, summaries, telephone logs and records, teletypes, bank checks, bank deposits and withdrawal slips, bank credit and debit memoranda, records, telexes, private wire messages, communications, calendars, diaries, appointment books, agenda of meetings, conversations, schedules, reports, studies, appraisals, analyses, lists, surveys, budgets, financial statements, financial projections, financial calculations, financial audits, contracts, agreements or proposed agreements, confidentiality agreements, periodicals, charts, graphs, interviews, speeches, transcripts, depositions, press releases, brochures, books of account, affidavits, communications with government bodies, invoices, notes and minutes of meetings of Boards of Directors, audit committees, financial committees and executive committees, interoffice communications, results of investigations, working papers, newspaper or magazine articles, records of payments, releases, receipts, computer programs and printouts, maps, blue prints, liftings, tax returns, vouchers, subpoenas, papers similar to any of the foregoing and other writings of every kind and descriptions (whether or not actually used) in your possession, custody or control; and other records of voice recordings, film, tapes, and other data compilations from which information can be obtained whether these are resident on paper or other media such as magnetic, electronic, or optical.

3. You are to produce all documents that are in the possession, control or custody of you or in the possession, control or custody of any attorney for you. Without limiting the term "control," a document within your control if you have ownership, possession or custody of the document, or the right to secure the document or copy from any person or public or private entity having physical possession thereof.

4. All duplicates or copies of documents are to be provided to the extent they have handwriting, additions, or deletions of any kind different from the original document being produced.

5. Unless otherwise indicated, documents requested by this Document Request are documents referring to, relating to, or prepared during the last ten years.

6. This Document Request requires you to amend or supplement your production of documents.

7. In the event that any document requested has been lost or destroyed, you shall identify such document and, in addition, specify (a) the date of its loss or destruction; (b) the reason for its destruction; (c) the person authorizing its destruction; and (d) the custodian of the document immediately preceding its loss or destruction.

8. Plaintiff requests that you provide the descriptions specified in Rules for each document not produced because of a claim of privilege. Such descriptions shall specify in writing with respect to each purportedly privileged document, its author(s), recipient(s), nature (e.g. memorandum, letter), date, subject matter, the nature of the claimed privilege and all facts you rely



on to support the claim of privilege. Plaintiff requests that you provide such descriptions within fifteen days after service of your response, or responses, to these documents requests.

9. If you object to any part of a document request, you shall produce all documents, or any portions thereof, covered by the request to which you do not object.

10. "You," "your," or "yours" shall mean, unless otherwise specified in a particular request, Defendants named in this lawsuit and/or any agent or representative of Defendants named in this lawsuit during all times relevant to this action.

11. The term "and/or," "or," and "and" are used inclusively, not exclusively.

12. The term "identify," or "identity," when used herein in reference to a natural person, means to state (1) his/her full name and the present or last known address of his/her residence, and last known telephone number (with area code prefix); (2) his/her present or last known business affiliation and positions with respect thereto during the relevant time period as herein defined, including a description of his/her duties and responsibilities. If any of the above information is not available, state any other available means of identification.

13. The terms "concerning" or "relating to" as used herein shall mean referring to, reflecting or related in any manner, logically, factually, indirectly or directly to the matter discussed.

14. The terms "evidencing" as used – herein shall mean constituting, reflecting, memorializing, referring to and/or supporting – logically, factually, indirectly or directly – the matter discussed.

15. The term "Damages" shall mean all claims for relief alleged by Plaintiff in the latest Complaint.

16. The term "communication" includes, without limitation, every manner or means of statement, utterance, notation, disclaimer, transfer, or exchange of information of any nature whatsoever, by or to whomever, whether oral, written, or face-to-face, by telephone, U.S. mail, personal delivery, electronic mail, computer, or otherwise, specifically including, without limitation, correspondence, conversations, dialogue, discussions, interviews, consultations, agreements, and other understandings.

17. All documents responsive to this request shall be produced in their original form. Documents originally in hard copy form shall be produced in that form. Documents or items requested in electronic, optical, or magnetic media form shall be produced in the form requested as kept by you. In the event Plaintiff experiences difficulty in retrieving or translating said electronic, computer or magnetic data, Defendants shall produce all such documentary information contained within said data in hard copy form that does not require translation within five (5) days of receiving objection from Plaintiff without the necessity of court order.

18. The singular includes the plural number, and vice versa. The masculine includes the feminine and neuter gender. The past tense includes the present tense where the clear meaning is not distorted by change of tense.

19. “Entity” or “Entities” shall mean any corporation, corporate form (such as a limited partnership, limited liability partnership, or limited liability company), parent company, affiliate, subsidiary, partner, member, venture, partnership, or any other structure (or a chain of successive entities) that conducts business, has conducted business, or anticipates conducting business.

20. **If you have any objections such as vague, overbroad, etc., please do not object. Instead, call me and I will try to take into account your objections and specific concerns in hopes of working such disputes out amicably.**



**PLAINTIFF'S INTERROGATORIES TO DEFENDANT**  
**PLAZAMERICAS MALL TEXAS, LLC.**

1. Provide the identities and addresses for the owners and operators of PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036.
2. Please name all eyewitnesses to the events for the date of the injury for which this lawsuit was filed and provide the names, addresses, and telephone numbers if those witnesses are no longer employed by you.
3. If you have not been correctly named or served in or by the Plaintiff's Original Petition, state your correct legal name and the correct manner in which you can be designated as a party defendant and served with process in this action under the allegations set forth in Plaintiff's Original Petition.
4. Are there cameras that film the premises at PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036? If so, provide detailed locations of these cameras and what areas they are configured to film.
5. If you may or will contend that Plaintiff's damages were caused in whole or in part by third persons, please provide the name and address of these third persons and state factually how they caused Plaintiff's damages, in whole or in part.
6. If you may or will contend that Plaintiff was contributorily negligent, list all facts (not the thought processes or mental impressions of counsel) that support your defense.
7. Provide a detailed list of any changes you made to the property, appurtenances, or equipment after Plaintiff's incident.
8. If you may or will contend that Plaintiff failed to mitigate her damages, list all facts (not the thought processes or mental impressions of counsel) that support your defense.
9. Provide the names and contact information for all employees at the property when Plaintiff's incident occurred.
10. Identify any corrective action taken with regard to the area where Plaintiff was injured.
11. If you are going to contend that the wet floor and surrounding area which caused Plaintiff to fall was not under your sole management and control, list all facts (not the thought processes or mental impressions of counsel) that support such a claim.

**PLAINTIFF'S REQUESTS FOR PRODUCTION TO DEFENDANT**  
**PLAZAMERICAS MALL TEXAS, LLC.**

1. Copy of any lease agreement for PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036.
2. Copy of documents evidencing ownership of PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036.
3. Copy of agreement for any management company to manage property at PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036.
4. Pictures of area where Plaintiff was injured.
5. Video footage depicting area where Plaintiff was injured.
6. Emails and any other communications regarding the area of the venue where Plaintiff was injured.
7. Copy of the property code, safety code, and/or building code to which the property at 7500 Bellaire Blvd., Houston, Texas 77036 is built and maintained.
8. Safety manual covering the property where Plaintiff's incident occurred.
9. Any safety literature covering the property in question and construction thereon.
10. All documents related to any investigation conducted by you related to Plaintiff's injury, which occurred on or about September 30, 2018.
11. A copy of any and all injury reports prepared in relation to Plaintiff's incident.
12. All safety policies and/or procedures that would have governed the property on September 30, 2018.
13. Pictures taken in connection with Plaintiff's incident on September 30, 2018.
14. All witness statements taken in conjunction with Plaintiff's incident on September 30, 2018.
15. All documents concerning, referring to, or relating to any insurance and/or indemnity agreement between you and any other potential Defendant.
16. All documents prepared by each expert witness who has been consulted by you and whose opinions have been reviewed by an expert witness who may testify at trial.
17. A current *curriculum vitae* or resume of each person whose opinions or impressions have been reviewed or relied upon by any person who may be called to testify in the trial of this case.

18. A current list of the cases, including the cause number, of all trial and deposition testimony given in the past five (5) years by each person whom you may call as an expert witness in the trial of this case in which such expert discussed or described mental impressions or conclusions that relate to the subject matter of this lawsuit.
19. A current list of the cases, including the cause number, of all trial and deposition testimony given in the past five (5) years by each person whose opinions or impressions have been reviewed or relied upon by any expert who may be called to testify in the trial of this case in which such person discussed or described mental impressions or conclusions that relate to the subject matter of this lawsuit.
20. All transcripts of deposition or trial testimony given in the past five (5) years by each person whom you may call as an expert witness in the trial of this case in which such expert witness discussed or described mental impressions or conclusions that relate to the subject matter of this lawsuit.
21. All transcripts of deposition or trial testimony given in the past five (5) years by each person whose opinions or impressions may have been reviewed or relied upon by any expert who may be called to testify in the trial of this cause in which such person discussed or described mental impressions or conclusions that relate to the subject matter of this lawsuit.
22. A current list of works written or published by each person whom you may call as an expert witness in a trial of this case.
23. All documents supporting any defenses (affirmative or otherwise) raised by you to the allegations set forth in Plaintiff's latest Petition.
24. All statements, whether written, recorded, transcribed, published or otherwise, and all notes of any such statements, relating to the claims asserted by Plaintiff in her latest Petition.
25. All correspondence between you and any other person concerning the claims asserted by Plaintiff in her latest Petition.
26. Copies of Plaintiff's medical records obtained by the Defendant in this litigation.
27. Copies of Plaintiff's employment records obtained by the Defendant in this litigation.
28. A list of all the persons that supervised, managed, and/or oversaw employees who were working in the area which Plaintiff was residing while he was present at your place of business on or about September 30, 2018.
29. Copy of insurance policy that covers Plaintiff's injuries in this case. This includes all excess policies.
30. Copy of any surveillance you have conducted on Plaintiff.

31. Copy of any exhibit you intend to introduce at trial.
32. Copy of any demonstrative you intend to use at trial.
33. Copy of documents showing the number of employees who were working on the premises in question at the time of the accident.

**PLAINTIFF'S REQUEST FOR ADMISSIONS TO DEFENDANT**  
**PLAZAMERICAS MALL TEXAS, LLC.**

1. Admit that on September 30, 2018 Plaintiff was injured at PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036.
2. Admit that Plaintiff was at your property on September 30, 2018.
3. Admit that Plaintiff was injured at your property located at PLAZAMERICAS, 7500 Bellaire Blvd., Houston, Texas 77036, on September 30, 2018.
4. Admit that the means by which the liquid or liquid-like substance and/or surrounding area which caused Plaintiff's fall was in a defective and/or compromised condition prior to the incident.
5. Admit that one or more persons witnessed the accident that injured Plaintiff on or about September 30, 2018.
6. Admit that on or about September 30, 2018, Plaintiff suffered an injury at your place of business.
7. Admit the premises owner's failure to notify the Plaintiff and others of the wet floor created an unreasonable risk of harm to Plaintiff and others.
8. Admit you were negligent in causing Plaintiff's injuries.
9. Admit venue is proper.
10. Admit this is a convenient forum.
11. Admit the Court has jurisdiction over you.
12. Admit that Plaintiff suffered bodily injuries proximately caused by your negligence.
13. Admit that you are the owner of the premises in question.
14. Admit that you are properly named in Plaintiff's most recent Petition.
15. Admit that Plaintiff's injuries are such that they could not ordinarily have been caused in the absence of negligence.

**PLAINTIFF'S REQUEST FOR DISCLOSURE TO DEFENDANT**  
**PLAZAMERICAS MALL TEXAS, LLC.**

- (a) The correct names of the parties to the lawsuit;
- (b) The name, address, and telephone number of any potential parties;
- (c) The legal theories and, in general, the factual basis of your claims or defenses;
- (d) The amount and any method of calculating economic damages;
- (e) The name, address, and telephone number of persons having knowledge of relevant facts, and a brief statement of each identified person's connection with the case;
- (f) For any testifying expert
  - (1) The expert's name, address, and telephone number;
  - (2) The subject matter on which the expert will testify;
  - (3) The general substance of the expert's mental impressions and opinions and a brief summary of the basis for them, or if the expert is not retained by you, employed by you, or otherwise subject to your control, documents reflecting such information;
  - (4) If the expert is retained by you, employed by you, or otherwise subject to your control:
    - (A) All documents, tangible items, reports, models, or data compilations that have been provided to, reviewed by, or prepared by or for the expert in anticipation of the expert's testimony; and
    - (B) The expert's current resume and bibliography;
- (g) Any discoverable indemnity and insuring agreements described in Rule 192.3(f);
- (h) Any discoverable settlement agreements described in Rule 192.3(g);
- (i) Any witness statements described in Rule 192.3(h);
- (j) All medical records and bills that are reasonably related to the injuries or damages asserted or, in lieu thereof, an authorization permitting the disclosure of such medical records and bills;
- (k) All medical records and bills obtained by the responding party by virtue of an authorization furnished by the requesting party;

- (l) The name, address, and telephone number of any person who may be designated as a responsible third party.

Respectfully submitted,

**DASPIT LAW FIRM**

/s/ Cesar E. Amador

Cesar E. Amador

Texas State Bar No. 24105367

John Arthur Daspit

Texas State Bar No. 24048906

440 Louisiana St., Suite 1400

Houston, Texas 77002

Telephone: (713) 588-0383

Facsimile: (713) 587-9086

Email: E-file@daspitlaw.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

I hereby certify that true and correct copies of the above and foregoing instrument have been served on Defendant along with Plaintiff's Original Petition.

/s/ Cesar E. Amador  
**Cesar E. Amador**



SUMMARY

CASE DETAILS

File Date	11/20/2018
Case (Cause) Location	
Case (Cause) Status	Active - Civil
Case (Cause) Type	PERSONAL INJ (NON-AUTO)
Next/Last Setting Date	N/A
Jury Fee Paid Date	N/A

CURRENT PRESIDING JUDGE

Court	125 <sup>th</sup>
Address	201 CAROLINE (Floor: 10) HOUSTON, TX 77002 Phone:7133686141
JudgeName	KYLE CARTER
Court Type	Civil





DOCUMENTS

Number	Document	Post Jdgm	Date	Pgs
83030821	Citation		12/18/2018	2
82742981	Civil Process Pick-Up Form		11/21/2018	1
82669216	Plaintiff's Original Petition and First Set of Discovery		11/20/2018	4
-> 82669218	Civil Case Information Sheet		11/20/2018	2
-> 82669220	Civil Process Request		11/20/2018	2
82669217	First Set of Interrogatories Requests for Production Request for Admission and Requests for Disclosure to Plazasamericas Mall Texas LLC		11/20/2018	12

**COUNSEL OF RECORD**

**DASPIT LAW FIRM**

Caesar E. Amador

TX SBN: 24105367

John A. Daspit

TX SBN: 24048906

440 Louisiana St., Suite 1400

Houston, TX 77002

Telephone: 713 588 0383

Facsimile: 713 587 9086

Email: [e-service@daspitlaw.com](mailto:e-service@daspitlaw.com)

*Attorneys for Plaintiff Karla List*

**DAVID S. TOY PLLC**

David S. Toy

TX SBN: 24048029 / SDTX ID 588699

1638 Harold Street

Houston, TX 77006

Telephone: 713 289 4930

Facsimile: 713 583 0451

Email: [david.toy@dstpllc.com](mailto:david.toy@dstpllc.com)

*Attorney for PlazAmericas Mall  
Texas, LLC*